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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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|-----------------|-------------|----------------------|---------------------|------------------|

10/718,478

11/18/2003

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51545/P849

8448

23363 7590 12/19/2008
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EXAMINER

HODGE, ROBERT W

ART UNIT

PAPER NUMBER

1795

MAIL DATE

DELIVERY MODE

12/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/718,478
Filing Date: November 18, 2003
Appellant(s): KIM ET AL.

David A. Plumley
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/29/08 appealing from the Office action mailed 5/21/08.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

JP 11-329494

Hamamoto et al.

11-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-4, 8, 10, 11, 13, 15 and 17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by the official translation of Patent Abstracts of Japan 11-329494 A.

See paragraphs 1, 5-18, and 26-32 of the official translation of the reference.

(10) Response to Argument

Appellants argue that the Hamamoto reference does not disclose the claimed ranges but then admit that Hamamoto teaches ranges that overlap with the instantly claimed invention and that actually have a same exact end point. Therefore appellants contradict themselves. Because Hamamoto completely overlaps the instantly claimed ranges and shares a same exact end point there is sufficient specificity disclosed in Hamamoto for anticipation. Appellants also allege that their claimed ranges exhibit unexpected results, however it is quite clear from Hamamoto in paragraph [0026] that 0.5% of the vinyl Sulfone is used and in paragraph [0014] 0.1% is an endpoint of the range for vinyl Sulfone used. Both 0.5% and 0.1% are endpoints recited by appellants in the claims and therefore because Hamamoto discloses exact endpoints that appellants are claiming Hamamoto will exhibit the same supposed unexpected results that appellants allege.

Appellants have also not met their burden of proof by providing evidence showing that the instant invention has unexpected results when compared to the closest prior art, which is JP 11-329494.

(11) Related Proceeding(s) Appendix

Art Unit: 1795

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Robert Hodge/

Examiner, Art Unit 1795

Conferees:

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